

Meeting No. 14
August 4, 2003
Hamburg Town Board Meeting
S-6100 South Park Avenue
Hamburg, N.Y. 14075

Supervisor Hoak calls the meeting to order at 7:00 p.m.

Roll Call:	Patrick H. Hoak	Supervisor
	D. Mark Cavalcoli	Councilman
	Kathleen C. Hochul	Councilwoman
	Joan A. Kesner	Councilwoman
	Thomas Quatroche, Jr.	Councilman
Also Present:	Catherine Rybczynski	Town Clerk
	Richard Boehm	Deputy Town Attorney
	Robert Hutchison	Town Assessor
	Robert Brown	Sr. Account Clerk
	Richard Lardo	Principal Engineering Assistant
	Joseph Coggins	Police Chief
	Christopher Hull	Director of Community Development
	Martin Denecke	Director of Recreation
	Richard Crandall	Planning Board Chairman

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

Supervisor Hoak comments that first they will present a special proclamation recognizing two local individuals who have gone beyond the call of duty. He will now recognize them with the following official proclamation:

Councilwoman Hochul comments that it was an honor last week to have her family in Washington and have the Attorney General John Ashcroft present her husband with “Excellence in Service” award and the head of the FBI also recognized him. Senator Hillary Clinton then invited them to her office for recognition. It was truly a very special day and she is very proud of her husband.

7:00 p.m. Public Hearing to determine the potential extension of the moratorium through September 15, 2003.

Catherine Rybczynski, Town Clerk, reads the following notice as published in the Hamburg Sun and the Front Page:

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING
TOWN OF HAMBURG**

PLEASE TAKE NOTICE that the Town of Hamburg will hold a Public Hearing on August 4, 2003 at 7:00 p.m. for the purpose of reviewing the proposed extension of the Major Subdivision Moratorium under Local Law #1, 2003. This hearing is to determine the potential extension of the moratorium through September 15, 2003. The purpose of the extension is to allow the Town time to complete review of the Zoning Code Amendments under Proposed Local Law #4, 2003.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF HAMBURG

Dated: July 14, 2003

Catherine Rybczynski
Town Clerk
Town of Hamburg

Supervisor Hoak comments that this is a moot point in that we are not going to extend the moratorium. He makes a motion to close the public hearing.

Councilman Cavalcoli comments that they did receive comments and concerns at the public hearing. No further comments were submitted following that meeting and based on that at the Code Review Meeting they changed and modified some of the language to deal with the issues that were raised and they feel they successfully completed all of that and there is no need to extend the moratorium beyond the time that was recommended. The entire Boards intention was not to exceed the moratorium and to accomplish what they could within the timeline.

Councilman Quatroche wants to commend his colleagues and the entire Committee for moving this along within the allotted timeframe. There was a lot to do in a short period of time and they did a great job of staying on task and making sure they held to their word to the business community to make that deadline.

Councilman Cavalcoli wants to indicate that Mr. Richard Crandall is present from the Planning Board and he has put an immense amount of time and energy into this. He thanks Wendel Duscherer as well.

Councilwoman Kesner comments that she is extremely pleased to see the work that is before her. Councilwoman Hochul and Councilman Cavalcoli did an outstanding job in listening to the Board and the constituency, they are very concerned about the growth in this community, we have the bike paths that will be considered, residential ponds will be improved and the buffers to the railroads has been addressed. It is a good day for Hamburg in setting the tone of our direction to the way it should be.

Supervisor Hoak comments that he wants to thank Mr. Boehm for all his effort and contributions. It was a combined effort from many different committees and departments.

II.

RESOLVED, that the Town Board close the public hearing at this time.

Moved: Hoak

Seconded: Kesner

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

V.

WHEREAS, the Town of Hamburg Code Review Committee has researched, developed and recommended modifications to the Code of the Town of Hamburg, Chapter 280-Zoning and Chapter 230-Subdivision of Land, which are in accordance with the recommendations of the newly adopted Town of Hamburg 2010 Comprehensive Plan (1997 Master Plan Update), and

WHEREAS, the Town held the appropriate Public Hearing on 7-14-03, and

WHEREAS, the Town Planning Board, the Engineering, Building Inspection and Planning Department have reviewed these modifications and recommended their adoption, and

WHEREAS, in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act–SEQRA) of the Environmental Conservation Law, the Hamburg Town Board has reviewed the proposed modifications to the Code of the Town of Hamburg, Chapter 280-Zoning, and conducted a coordinated review under the SEQRA process, and

WHEREAS, the Zoning Code Review Committee has made minor modifications to these proposed amendments based on public and Agency input and,

WHEREAS, the zoning modifications will not adversely affect the natural resources of the State and/or the health, safety, and welfare of the public, is consistent with social and economic considerations, and the Town has issued a SEQRA Negative Declaration;

THEREFORE BE IT RESOLVED, that the Town of Hamburg approves the proposed modifications to the Code of the Town of Hamburg, Chapter 280–Zoning, and Chapter 230-Subdivision of Land, based on the following reasons:

1. The modifications are in conformance with the recommendations for zoning modifications identified in the adopted Town of Hamburg 2010 Comprehensive Plan (1997 Master Plan Update).
2. The modifications to the Cluster Development and the Buffers and Recreation areas regulations, and to the three Southern Overlays and Subdivision Code regarding above grade utilities, will improve subdivisions in the Town helping to protect important features and the aesthetics of the community.
3. The New Wetlands Protection, Conservation Easement and Tree Management ordinances will help to preserve important environmental features in the community.
4. The modifications to the Plat approval timeframes requirements are procedural changes.
5. The Amendments to the Bulk requirements in the R-E, R-1, R-2 and R-3 residential districts will not increase density within the Town, does not change uses, and in general allows for more environmentally friendly lot sizes in the Town.

BE IT FURTHER RESOLVED, that the Planning Dept. Be directed to produce the final copy of the proposed codes for submission to the Legal Dept. for filing with the Dept. Of State and Code Publishing.

Moved: Cavalcoli

Seconded: Hochul

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

Councilwoman Hochul comments that when they first passed this it was hard to predict the shape that this would take. It has been an evolving document with the contributions of so many people including Councilman Cavalcoli, Richard Crandall, Richard Boehm and everyone involved. It was the input from these departments, the residents and the business community together that really shaped this product and she considers this to be a visionary document and she feels very secure living in this community being someone who is very concerned about over development and the future of this community. She is very proud of this whole Town Board, there are a lot of other communities who would like to be where we are right now as far as protecting our future. She thanks everyone involved.

Councilman Cavalcoli comments that this is the kind of thing that is a living document. We plan to keep an eye on the changes they have made and make sure they are working all right, there are still some issues to be addressed and they are not stopping with this. He is always proud when they put forth an effort, collectively as a Board, with all of the Departments and residents input.

VI.

RESOLVED, that the Town Board approve the minutes of the following meeting:

July 14, 2003

Town Board Meeting

Moved: Hochul

Seconded: Kesner

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

VII.

RESOLVED, that Matthew Dils, 107 Prospect Avenue, Hamburg, be appointed to serve as a member of the Hamburg Industrial Development Agency to replace Andrew S. Loebe as a result of a request from the Hamburg Board of Education.

Moved: Hoak

Seconded: Cavalcoli

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatorche

Noes: None

Carried

VIII.

BE IT RESOLVED, that the Town Engineer's report on the acceptance of the street lighting for the BRIERCLIFF CANYON SUBDIVISION installed under Public Improvement Permit No.777 be received and accepted, and that the Supervisor is authorized to sign the report.

BE IT FURTHER RESOLVED, that the Town Board authorize Niagara Mohawk to connect a total of eight (8) 70-watt high pressure sodium luminaries located on Christopher Blvd., in accordance with the existing rate tariff, and

BE IT FURTHER RESOLVED, that two certified copies of this resolution be provided to the Engineering Department for transmittal to Niagara Mohawk, and that this resolution becomes effective on the day the report is signed by the Supervisor.

Moved: Hochul

Seconded: Quatroche

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

IX.

RESOLVED, that the Town Board set a Public Hearing to change the zoning of Harry A. & Esther C. Hiller from C-2 (General Commercial) to N-C (Neighborhood Commercial) for a single family dwelling located at North Creek & Southwestern Boulevard on September 8, 2003 at 7:15 p.m.

Moved: Cavalcoli

Seconded: Kesner

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

X.

RESOLVED, that the Town Board authorize the Finance Department to increase Appropriated Fund Balance CS 599 \$56,000 into Appropriated Account CS 1710.415 Excess Insurance, this is due to the increase in insurance premiums for the year 2003.

Moved: Hoak

Seconded: Quatroche

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

RESOLVED, that the Town Board approve the hiring of Seasonal Part-Time Personnel for the Recreation Department as follows:

Moved: Quatroche
Seconded: Cavalcoli
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, kesner, Quatroche
Noes: None
Carried

RESOLVED, that the Town Board approve the hiring and termination of personnel for the Building and Grounds Department as follows:

Moved: Quatroche Seconded: Hochul
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

RESOLVED, that the Town Board set a Public hearing for the rezoning petition of Ed Bentley/L. Lautner for Canine Capers at 5310 Southwestern Boulevard from R-3 (Multi-Family) to C-1 (Local Retail) for September 8, 2003 at 7:00 p.m.

XIV.
RESOLVED, that the Town Board approve the hiring and termination of personnel for the Senior Services Department as follows:

[illegible]

XV.

RESOLVED, that the Town Board set a Public Hearing for the rezoning of a parcel of property belonging to David & Deborah Fite of 5560 Deacon Street from R-2 (Residential Attached District) to C-2 (General Commercial) for October 27, 2003 at 7:15 p.m. for expansion of a parking lot for Pizza Hut.

Moved: Cavalcoli

Seconded: Hochul

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

XVI.

BE IT RESOLVED, that the Town Engineer's report on the completion and acceptance of the HILLSBORO PT. 2 SUBDIVISION work performed under Public Improvement Permit Nos. 784, 785, 786 and 787 be received and accepted, and that the Supervisor is authorized to sign the report, and

BE IT FURTHER RESOLVED, that this action does not relieve the developer of the responsibility of completing the street lighting installations under Public Improvement Permit No. 788.

Moved: Cavalcoli

Seconded: Kesner

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

XVII.

BE IT RESOLVED, that an advertisement for bids for the construction of an Industrial Access Road between Lake Avenue and Milestrip Road be published in the official Town newspapers, with bids to be received until 10:00 am (local time) on August 26, 2003.

Moved: Cavalcoli

Seconded: Kesner

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

XVIII.

BE IT RESOLVED, that the Town of Hamburg pay the sum of \$956.00 to Santino Carnevale for final settlement of Lease Agreement for Senior Citizen Building. Funds are available in account number A6772.440.

Moved: Cavalcoli

Seconded: Quatroche

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatorche

Noes: None

Carried

XIX.

BE IT RESOLVED, that the Hamburg Town Board authorize the Department of Community Development to advertise a Request For Proposal for "Housing Fund" Collection Services. The project was authorized under the Community Development program. Funding for publication is available in the CDBG program administration account.

Moved: Kesner

Seconded: Hochul

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

XX.

WHEREAS, the Town of Hamburg is the owner of the following described parcel of land, 160.09-3-9 located on Bristol Parkway, and

WHEREAS, said parcel of land was deeded to the town by the County of Erie specifically for use with the town's Hometown Housing Program, and

WHEREAS, the Town of Hamburg by previous resolution had designated Eddy and Lewin Homes, Inc. as the developer for this one parcel through the town's Hometown Housing New Construction In-Fill Conditional Grant program, and

WHEREAS, the Town Board adopted a resolution, subject to permissive referendum, on June 16, 2003, authorizing the transfer of this property, and

WHEREAS, no such permissive referendum was filed nor any opposition declared.

NOW THEREFORE BE IT FURTHER RESOLVED, that Patrick H. Hoak, as Supervisor of the Town of Hamburg, is hereby authorized to execute all documents that may be required to effectuate the transfer of all right, title and interest of the Town of Hamburg in said property to Eddy and Lewin Homes Inc., for the purposes of constructing a new single family home on this parcel in conjunction with the Department of Community Development. By transferring this parcel into the developers name now, before the home closing, will eliminate town insurance liability and will ensure a quicker conveyance to the approved client at said home closing.

Moved: Hoak

Seconded: Quatroche

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

XXI.

WHEREAS, On June 2, 2003 the Hamburg Town Board authorized the Department of Community Development to advertise Request for Proposals for engineering services for the Village of Hamburg Sewer Reconstruction Phase II, and

WHEREAS, the Request for Proposals were opened on Wednesday, July 9, 2003 at 11:00 a.m. and subsequently reviewed by the Department of Community Development in conjunction with the Village of Hamburg Department of Public Works utilizing the criteria included with the RFP, and

WHEREAS, the following firms submitted engineering service proposals which included varied levels of design and inspection services as indicated below by the “As Submitted” and “As Requested” categories, and

WHEREAS, interviews were conducted with the top three Engineering firms to further substantiate the selection process, and

WHEREAS, to be able to fairly compare the firms based upon the criteria outlined within the RFP, a one hundred hour inspection schedule was utilized for Engineering firm comparison. This criteria based inspection services on an equal amount of hours. Said review results at that rate are listed below:

Marquis Engineering:	\$12,570
R & D Engineering:	\$20,900
Parsons:	\$23,382
Pratt & Huth Engineering:	\$26,193
Watts Engineers:	\$45,188

NOW THEREFORE BE IT RESOLVED that based upon the review criteria, design and inspection services that the Hamburg Town Board authorize the Department of Community Development to accept the proposal of and enter into a contract with Marquis Engineering to provide engineering services for the Village of Hamburg Sewer Reconstruction Phase II. Funding in the amount of \$12,570.00 is available in CD 29; 8662.354.

Moved: Kesner

Seconded: Cavalcoli

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

XXII.

WHEREAS, the Town Board awarded a contract on July 14, 2003 to Mar-Wal Construction Company, Inc. for the construction of the Town of Hamburg Sanitary Sewer Rehabilitation Project (Contract No. 9) within the Stilwell Road and Rogers Road portions of the Hamburg Sewer Improvement Area; and

WHEREAS, following the contract award, Mar-Wal Construction notified the Town that they are not able to comply with the Town's apprenticeship training program requirements which are applicable to this project, and are therefore withdrawing their bid in this regard; and

WHEREAS, Yarussi Construction, Inc., the second low bidder from the bids which were opened on July 10, 2003, has been determined by R&D Engineering, Inc. to be a qualified and responsible contractor who is able to comply with the Town's apprenticeship requirements, and R&D Engineering has recommended that the contract now be awarded to them,

THEREFORE BE IT RESOLVED, that the withdrawal of Mar-Wal Construction's bid is accepted, with action taken against their Bid Security in the amount of \$17,345.75.

BE IT FURTHER RESOLVED, that the contract for this project is awarded to Yarussi Construction, Inc. of Niagara Falls, New York in the amount of \$443,735, that the Town Supervisor is authorized to sign the contractual agreement in this regard, and that the Town Engineer is to issue the Notice of Award and Notice to Proceed at the appropriate times.

Moved: Hoak

Seconded: Quatroche

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, kesner, Quatroche

Abstain: Cavalcoli

Noes: None

Carried

Councilman Cavalcoli comments that the following resolution is to authorize construction of improvements to the Town Landfill which has been required by the DEC. Over the twenty five years that the Town has had the landfill changes have taken place in the ground and when they did the Nike Base study the DEC told the Town this is a requirement. The following resolution authorizes the bonding of money in order to carry out the construction that is necessary to comply with the DEC regulations.

XXIII.

EXTRACT OF MINUTES
Meeting of the Town Board of the Town of Hamburg,
in the County of Erie, New York
August 4, 2003

* * *

A regular meeting of the Town Board of the Town of Hamburg, in the County of Erie, New York, was held at the Town Hall, Hamburg, New York, on August 4, 2003.

There were present: Hon. Patrick H. Hoak, Supervisor; and

Board Members: D. Mark Cavalcoli
 Kathleen Courtney Hochul
 Joan A. Kesner
 Thomas Quatroche, Jr.

There were absent:

Also present: Catherine A. Rybczynski, Town Clerk
 Richard G. Boehm, Deputy Town Attorney

* * *

D. Mark Cavalcoli offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE TOWN OF HAMBURG, NEW YORK,
ADOPTED AUGUST 4, 2003, AUTHORIZING THE CONSTRUCTION
OF IMPROVEMENTS TO THE TOWN LANDFILL; STATING THE
ESTIMATED MAXIMUM COST THEREOF IS \$1,100,000;
APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING
THE ISSUANCE OF \$1,100,000 SERIAL BONDS OF SAID TOWN TO
FINANCE SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF HAMBURG, IN THE COUNTY OF
ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all
the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Hamburg, in the County of Erie, New York (herein called
“Town”), is hereby authorized to construct improvements to the Town landfill, including ancillary
work and acquisition of land required in connection therewith. The estimated maximum cost
thereof, including preliminary costs and costs incidental thereto and the financing thereof, is
\$1,100,000 and said amount is hereby appropriated therefor. The plan of financing includes the
issuance of \$1,100,000 serial bonds of the Town to finance said appropriation, and the levy and
collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and
the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$1,100,000 are hereby
authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter
33-a of the Consolidated Laws of the State of New York (herein called “Law”), to finance said
appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which
said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 6-b of the
Law, is twenty (20) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes
issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made
after the effective date of this resolution for the purpose for which said bonds are authorized. The
foregoing statement of intent with respect to reimbursement is made in conformity with Treasury
Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five

years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and any other bonds heretofore or hereafter authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town

Clerk is hereby authorized and directed within ten (10) days after the adoption of this resolution, to cause to be published, in full, in the “HAMBURG SUN,” a newspaper hereby designated the official newspaper of the Town for such publication, and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF HAMBURG, NEW YORK

PLEASE TAKE NOTICE that on August 4, 2003, the Town Board of the Town of Hamburg, in the County of Erie, New York, adopted a bond resolution entitled:

“Bond Resolution of the Town of Hamburg, New York, adopted August 4, 2003, authorizing the construction of improvements to the Town landfill, stating the estimated maximum cost thereof is \$1,100,000; appropriating said amount therefor; and authorizing the issuance of \$1,100,000 serial bonds of said Town to finance said appropriation.

an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to construct improvements to the Town landfill, including ancillary work and acquisition of land required in connection therewith; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,100,000; APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$1,100,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$1,100,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is not to exceed twenty (20) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$1,100,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: August 4, 2003

Catherine A. Rybczynski
Town Clerk

Section 8. The Town Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

The adoption of the foregoing resolution was seconded by Hochul and duly put to a vote on roll call, which resulted as follows:

AYES: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

NOES: None

Carried

The resolution was declared adopted.

CERTIFICATE

I, CATHERINE A. RYBCZYNSKI, Town Clerk of the Town of Hamburg, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Hamburg duly called and held on August 4, 2003, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Hamburg this 4th day of August, 2003.

(SEAL)

Town Clerk

BE IT RESOLVED, that Local Law #3 of 2003 entitled “ Real Property Tax Exemption For Volunteer Firefighters And Volunteer Ambulance Workers” be removed from the table.

Moved: Kesner

Seconded: Cavalcoli

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

XXV.

WHEREAS, It is the intent of the Town to recognize the valuable service provided by volunteer firefighters and ambulance workers, and

WHEREAS, Section 466-c of New York State Real Property Tax Law provides a partial exemption from property tax for volunteer fighters and ambulance workers, and

WHEREAS, in accordance with Section 466-c of New York State Real Property Tax Law, Local Law #3 of 2003 entitled “ Real Property Tax Exemption For Volunteer Firefighters And Volunteer Ambulance Workers was drafted and the appropriate public hearing was held on July 14, 2003,

NOW THEREFORE BE IT RESOLVED, that the Town of Hamburg adopts Local Law #3 of 2003 as follows,

LOCAL LAW #3, of 2003, ENTITLED
“REAL PROPERTY TAX EXEMPTION FOR VOLUNTEER FIREFIGHTERS AND
VOLUNTEER AMBULANCE WORKERS”

Section 1. Purpose.

The Purpose of this Article is to grant a partial exemption on real property owned by members of volunteer fire companies and volunteer ambulance workers in the Town of Hamburg.

Section 2. Statutory authority: applicability.

This local law is subject and subordinate to all conditions and provisions contained in New York Real Property Tax Law section 466-c and Municipal Home Rule section 10.

Section 3. Definitions.

The words and terms used in this Local Law shall have the same meanings as in New York Real Property Tax Law section 466-c.

Section 4. Provisions

1. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in the Town of Hamburg shall be exempt from taxation to the extent of ten percent of the assessed value of such property for town, part town, and special district purposes, exclusive of special assessments, and that such exemption shall in no event exceed three thousand dollars multiplied by the latest state equalization rate for the Town of Hamburg.

2. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service which serves the Town of Hamburg unless:

(a) the applicant resides within the Town of Hamburg

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the incorporated

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within the Town.

Section 5 Severability

Section 6 Effective Date

Moved: Kesner
Seconded: Quatroche

Roll Call:
Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
Noes: None
Carried

Supervisor Hoak commends Councilwoman Kesner as well.

Moved: Quatroche
Seconded: Hochul
Roll Call:
Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
Noes: None
Carried

WHEREAS, the Town of Hamburg has recognized the need for affordable housing within the

township, and

WHEREAS, the Town of Hamburg has always and will continue to try and alleviate the impediments to affordable housing within the town, and

WHEREAS, previously the Town of Hamburg has dedicated itself to alleviating the impediments to affordable housing by waiving any and all fees pertaining to affordable housing projects built on town land.

NOW THEREFORE BE IT RESOLVED, that the fees associated with the Hometown Housing New Construction project on Bristol Parkway be waived by the Town of Hamburg. This waiver of fees is for one parcel and includes the following: building permit, recreation, sewer, plumbing and all other applicable fees.

Moved: Hoak

Seconded: Kesner

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

XXVIII.

BE IT RESOLVED, that the Town Supervisor, Patrick H. Hoak, enter into a contract with Central Business Systems for a lease agreement on a Minolta DI-470, this contract would supercede the existing lease agreement in place.

Moved: Hoak

Seconded: Quatroche

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

XXIX.

WHEREAS, bids were publicly opened on July 25, 2003 for the Seaway Trail Visitors Center, Phase 1, and

WHEREAS, bids were received for the General Construction Work, Plumbing Work, Mechanical Work and Electrical Work as summarized as follows:

<u>General Construction</u>					
Deduct Alternates					
<u>Bidder</u>	Base Bid	Alt.#1	Alt.2	Alt.#3	Alt.#4
C.H.Byron	\$148,000	\$4,000	\$2,000	\$3,000	–
Peyton Barlow Co.	\$162,700	\$7,300	\$3,300	\$2,725	–
Summit Const.	\$170,000	\$6,000	\$2,500	\$2,000	\$1,000
New Era	\$174,658	\$8,847	\$2,700	\$3,285	\$2,830
Hadala	\$188,400	\$6,000	\$3,000	\$2,400	\$ 100
Paragon	\$189,000	\$7,500	\$2,900	\$2,300	\$ 120

Plumbing Work

<u>Bidder</u>	Base Bid
C&L	\$ 7,750
Kandefer	\$10,350
Johnson	\$11,917
Ackerman	\$11,999

Mechanical Work

Bidder	Base Bid	Alt.# 5 Add
Adema	\$32,781	\$ 9,721
N.E. Mech.	\$46,800	\$11,800
Parise	\$48,400	\$ 9,900
Tri-R-Mech.	\$51,422	\$12,852

Electrical Work

Bidder	Base Bid	Alt.#4 Deduct	Alt.#5 Add	
CIR Elec.	\$33,300	\$2,700	\$1,900	
Weydman Elec.	\$36,995	\$1,800	\$1,700	
Gordon & Zoerb Elec.	\$37,900	\$1,775	\$1,630	
Tunney Elec.	\$38,600	\$2,775	\$2,215	
I.P.L.	\$40,500	\$1,700	\$2,350	
Deltex	\$40,617	\$2,419	\$1,616	
Frey Elec.	\$42,000	(\$1,000) Add	\$2,200	And,

WHEREAS, the bids have been reviewed by Wendel Duchscherer, Architects & Engineers and the Town of Hamburg Planning Dept., and based upon said review is recommending that contracts be awarded to the following lowest responsible bidders in the amounts indicated:

General Construction

C.H. Byron Co., Inc.		
Base Bid and Total Contract Amount		\$139,000
Deduct Alternates Nos. 1,2&3 accepted		

Plumbing Work

C&L Plumbing, Inc.		
Base Bid and Total Contract Amount		\$7,750

Mechanical Work

Adema Heating & Air Conditioning, Inc.
Base Bid and Total Contract Amount \$32,781
Add Alternate No. 5 not accepted

Electrical Work

CIR Electrical Construction Corp.	
Base Bid and Total Contract Amount	\$30,600
Deduct Alternate No. 4 Accepted	And,

WHEREAS, the Town of Hamburg has entered into a Federal Aid Agreement with New York State Dept. Of Transportation, No. DOI7595, PIN 5756.17 for Phase I of the Seaway Trail Visitor's Center at the former Wanakah Water Works Building,

NOW THEREFORE BE IT RESOLVED, that the contracts be awarded for the Seaway Trail Visitors Center, Phase I in accordance with the following:

General Construction	C.H. Byron Co., Inc.	\$139,000	
Plumbing Work	C&L Plumbing, Inc.	\$ 7,750	
Mechanical Work	Adema Heating & Air Conditioning, Inc.	\$32,781	
Electrical Work	CIR Electrical Const. Corp.	\$30,600	And,

BE IT FURTHER RESOLVED, that the Architect be authorized to issue the Notice of Award and Notice to Proceed at the appropriate times, and

BE IT FURTHER RESOLVED, that the Town of Hamburg Supervisor is authorized to sign Agreements (Contracts) for the above-listed work. Funding for said work is available from Account H-67 8310.332.

Moved: Hochul
 Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

Councilwoman Hochul comments that this project started about seven years ago with a vision for using an abandoned brick building on a prime piece of real estate on the shores of Lake Erie. Mr. Crandall also saw a lot of potential in this building and they came up with the idea of having it be a Seaway Trail Visitors Center. She thanks Wendy Silvati from Wendel Duscherer who deserves a lot of recognition for seeking out funding sources in the form of State and Federal Grants and it is finally starting to come together. With this award this evening they will be able to commence work in about three weeks, and if all goes well they will be able to continue on the interior of the building through the winter and into the Spring. She is shooting for an early summer opening for this. Senator Dale Volker provided them with a grant to repair the roof. They also have had a lot of work done on this by Jim Connolly's Department. They will be giving out information about events and activities throughout the region and because of its unique placement between the Darwin Martin House in Buffalo and Graycliff on the Lake Shore her vision is that people will stop as they do architectural tourism tours, the possibilities are endless. She asks for a round of applause for Richard Crandall who had the vision and has helped keep her on task. Mr. Crandall thanks Doug from Wendel Duscherer for heading up the architectural end of it and getting the documents ready for bids. She does want involvement from the community on what the activities will be inside there. They have plans for a visitors center, a hands on interactive learning experience to learn about our maritime history, the Seaway Trail, shipping on the St. Lawrence Seaway, the War of 1812, fisheries, waterfowl, etc. there will be a brainstorming session on September 10th at 6:00 p.m. at Town Hall. The Chamber of Commerce is very involved also.

Supervisor Hoak comments that George Lee has been very active in the National Night Out and

has been a leader in our community. This just keeps getting bigger and better, also kudos to the Police Department for their involvement. He encourages everyone to participate. George comments that the opening ceremony is at 6:30 p.m. he thanks Captain John Conlon and the Chief, also Councilwoman Kesner.

XXX.

Moved: Hoak Seconded: Cavalcoli
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
Noes: None
Carried

RESOLVED, that the Town Board approve the Audit of Cash Disbursements as follows:

BATCH #92	\$ 71,030.25	905078 - 905206
BATCH #93	\$ 900,000.00	905077
BATCH #94	\$ 234,850.19	905209 - 905283
BATCH #95	\$1,177,000.00	905285 - 905286
BATCH #96	\$ 91,286.14	905287 - 905412
BATCH #97	\$ 44,415.26	905413 - 905479
BATCH #98	\$ 415.00	905480
BATCH #99	\$1,420,000.00	905481 - 905482
BATCH #100	\$ 700,000.00	905489
BATCH #101	\$ 650,717.49	905483 - 905592
PRTRN P/R 15	\$ 574,848.91	905076

BATCH #39	\$ 560,150.04	560305 - 560309
BATCH #40	\$ 9,652.48	560310 - 560311
BATCH #41	\$ 4,547.98	560312 - 560322
BATCH #42	\$ 559,027.66	560325 - 560328

BATCH #52	\$ 400,000.00	710302
BATCH #53	\$ 76,411.58	710303 - 710307
BATCH #54	\$11,650,000.00	710308 - 710311
BATCH #55	\$ 62,082.20	710312 - 710322
BATCH #56	\$ 250,000.00	710323

PR #P/R 15	\$ 534,404.31
PR #P/R 16	\$ 535,030.07

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$20,505,965.38

Moved: Hoak Seconded: Hochul
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

Correspondence

Letter #107 - Supervisor Hoak comments that he wants to note this is from a Robert Strell complimenting the Town Clerk's Office and the Planning Department for their prompt response to a Foil request. He thanks them for their efficient and excellent work.

Letter #107A - Supervisor Hoak comments on a late correspondence from the Town Clerks Office which is the monthly report for July with receipts totaling \$67,489.07.

Reports from Town Board Members and Department Heads

Councilman Cavalcoli no report.

Councilwoman Kesner congratulates Mr. Crandall on his fiftieth Wedding Anniversary. Not only does he commit himself to the town but to his family as well. She also wants to make note that the update on the bikepath is now on our website, thanks to Catherine Rybczynski, for getting the word out. We are now in the process of developing link 2 which is from the Hoover Beach Community over to the Penn Dixie Site. She and Councilman Cavalcoli had a meeting with the representatives of Penn Dixie and they are very happy that they are connecting with link 2. We are now making it available to buy a tree and a plaque at our community gardens that will be at the trail head of Hoover Road. This is an opportunity to buy a tree or plaque, in memory of someone, and put it in the honor garden.

Councilwoman Hochul reports that their Fourth Annual Blast on the Beach was indeed a blast. There are so many people to thank, starting with Rosemary McManus who puts her heart and soul into it, Marty Denecke and the Recreation Department for providing all the activities for the kids, the Building and Grounds Department, and the Police Department for all their help in moving the traffic in and out, the Lakeshore Volunteer Fire Company and the YES program. They also had a fundraiser for the Light up the Town where they sold raffle tickets to help fund for lights along Rt. 391 and at the Beach. This Wednesday there will be a Public Meeting on Route 20 improvements at Frontier High School at 7:00 p.m. They would like written and oral comments. She has some comments to present from Mr. Kapsiak. She will be pushing for a Light at Buckingham or Nottingham.

Councilman Quatroche comments that Councilwoman Hochul was the one that got the Blast on the Beach rolling and took the leadership on it. She does a phenomenal job every year and all the other Departments do a great job as well.

Supervisor Hoak comments that when the idea first came up Councilwoman Hochul was going to hold a one time millennium celebration and here we are now four years later. It was the fastest seven hours he ever spent, there were so many people having a great time. There were so many VFW's and American Legion members who were involved in this and the dedication was a thank you to the troops that are serving and protecting our freedom. We don't say thank them often enough.

Richard Boehm, Deputy Town Attorney, comments that he wants to add his kudos to Councilman Cavalcoli and Councilwoman Hochul, Richard Crandall and his fellow members of the Code Review Committee for pushing this and getting it completed on time. The hours and effort put into this were impressive.

Councilman Cavalcoli responds that Mr. Boehm gave good legal advice and put in a lot of hours as well. It was a dedicated combined effort.

Business From the Floor

George Lee, Deputy Mayor Village of Blasdell, comments that the access road that will be out for bid is a good thing. He thanks the Town very much for all their help.

Councilwoman Hochul announces that there is a Department of Motor Vehicles Mobile Unit available at Evans Town Hall, available on Tuesdays from 10:00 am to 3:00 pm, so instead of standing in line forever at Orchard Park you could go there instead.

XXXII.

RESOLVED, that the Town Board adjourn to Executive Session at 8:05 p.m. with Recreation and Legal.

Moved: Hoak

Seconded: Quatroche

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

Catherine Rybczynski, Town Clerk

Correspondence - August 4, 2003

105 - To Supervisor Hoak from Insurance Services Office, Inc. In regards to Public Protection Classification Results for Scranton Fire Department stating that the resulting classification is a Class 4 which is an improvement from the former Classification and means that the community's fire suppression services are improving in the face of the demands of a changing environment.

106 - To Supervisor Hoak from Karen Ellis, Deputy Town Clerk Town of Boston, copying him on a letter to Governor Patacki stating that the Boston Town Board unanimously passed a resolution supporting the Town of Hamburg proclamation to appoint a Buffalo Control Board of non-elected citizens.

107 - To Catherine Rybczynski, Town Clerk, from Robert Strell, MBA Consulting & Appraisal Co., thanking her for the prompt response from her office and the Planning Department on his recent FOIL request.

Late Correspondence

Letter #107A - Supervisor Hoak comments on a late correspondence from the Town Clerks Office which is the monthly report for July with receipts totaling \$67,489.07.